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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,926	01/25/2001	David S. Matthews	XXT-108	5475
7590	04/21/2004			
Patrick R Roche Fay Sharpe Fagan Minnich & McKee LLP 1100 Superior Avenue 7th Floor Cleveland, OH 44114-2518			EXAMINER GRANT II, JEROME	
			ART UNIT 2626	PAPER NUMBER 4
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/769,926

Applicant(s)

MATHEWS

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

Detailed Action

1.

Applicant is advised that should claims 15 be found allowable, claim 16 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 15 objected to under 37 CFR 1.75 as being a substantial duplicate of claim 16. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Ohta.

With respect to claim 1, Ohta teaches a method for forming an output image forming system (according to figure 1), comprising the steps of:

Receiving image data( scanner 16, 17) corresponding to an input image having a first set of dimensions; and reproducing said image data (high quality printer 18) a selected number of times (page 13, lines 5-8) on a printing medium to form said output image, wherein said reproduced image data in said output image has said selected number of input image reproductions having different dimensions ( via rotations, see page 29, lines 25-30 or by enlargement and reductions, see page 29, lines 37-41.

With respect to claim 2, see page 29, lines 37-41.

With respect to claim 3, see page 29, lines 37-41.

With respect to claim 4, the step of obtaining instructions (via user at work station 15) for the formation of the output image.

With respect to claims 5 and 13, the user interface is the client computer taught by Ohta.

With respect to claim 6, Ohta teaches receiving instructions from a remote location. Note that the client computer is over the Internet according to figure 1.

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With respect to claim 7, the receiving of the signal from a remote device (via client computer 1).

With respect to claim 8, the document scanners are elements 16 and 17.

With respect to claim 9, refers to page 29, lines 18-24. The detected dimensions are found via window 1 of the image data, according to page 29, lines 18-24, for enlarging or reducing the image (page 29, lines 37-42) so that the images are printed on a single recording medium. See figure 8.

With respect to claim 10, Ohta teaches referencing the size of the print medium (via window 1) which studies the shapes for printing. See also page 29, lines 37-41.

With respect to claim 11, Ohta teaches a feedback size of the layout according to the display window of the client computer and a layout of that image by windows 2-6.

With respect to claim 12, Ohta teaches an image forming system, according to figure 1, comprising: a printing mechanism (18) in communication with a processor (edit server 60 taught at page 28 beginning at line 39), wherein said processor receives instructions relating to an input image and instructs said printing mechanism to print a predetermined number (page 13, line 58) of replications of the image in enlarged or reduced fashion on a print. See page 29, lines 37-41.

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With respect to claim 14, the enlargement and reduction process as claimed is discussed by the combination of windows 4-6 at page 29.

With respect to claims 15 and 16, Ohta teaches enlarging and reduction to fit on the print medium. This procedure is done by windows 4-6. See page 29, line 37 to page 30 line 1.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

J. Grant II

  
JEROME GRANT II  
PRIMARY EXAMINER